

passed bill. However, it has now simply become a substantive vote on the Senate amendment. In many instances, those Senators who support the amendment vote that it is germane and those who oppose the amendment vote that it is not germane, despite the fact that they are being asked to resolve a procedural issue. In this way valid procedural constraints are frequently sacrificed for transient substantive ends.

Mr. President, since the beginning of the Republic, the Federal Government has imposed important and necessary requirements on the States. The Constitution requires the States to have elections, even though the Federal Government does not pay one penny for them. It requires States to allow defendants a fair trial. Those Federal requirements on the States transcend mere financial considerations. They fall into a higher category. They represent bedrock beliefs and sacred values held by all Americans to be of paramount importance. Fair elections, fair trials—each of these, Mr. President, lies at the very heart of what makes up the American tradition, and no point of order should deter us from continuing to uphold those values because we fear a 30-second spot or a misrepresentation of a procedural vote.

But the point of order in the bill will simply add to an already cumbersome process. It will be nearly impossible, as the Director of the Congressional Budget Office has said, to issue cost estimates in a time fashion. How can we expect CBO to canvas the 87,000 State, local, and tribal governments throughout the Nation with anything resembling efficiency? The answer, Mr. President, is that we cannot.

We will simply see a trampling over, a mad rush to put aside, to waive the points of order. That is one thing I think we can expect to see. We could very well see a situation whereby the agenda of this institution is set, not by the majority and minority leaders, but by a small group of budget analysts in the basement of the CBO. But here again I think that will be avoided by simply waiving points of order.

Senators need only think back to the closing days of the last Congress, when various health-care bills were waiting for CBO scoring data, to see how that situation could develop. Is that what Senators want? Do we really want the agenda of Congress set on the basis of how fast a budget analyst can do his job? Do we really want to be told that, despite our wishes, we cannot go to a particular bill because the cost estimate is not ready? That, Mr. President, is absurd.

Because of these problems, I was pleased to join my colleague, Senator LEVIN, in support of his substitute amendment. The Levin amendment was, in effect, a complete substitute based on the version of the bill that we considered last Congress. That version, as I have noted, did not contain the point of order. It was a good substitute, and one that should have been adopted.

Mr. President, as I have previously stated, and as my vote in favor of the Levin substitute showed, I am a supporter of an unfunded mandates bill. I believe that, under certain circumstances, if we in Congress require the States to carry out our laws, then we should pay.

We should not offload that financial burden on the States.

Notwithstanding the fact that I did not vote for this bill, I would like to compliment the efforts of those Senators on both sides of the aisle who worked hard to improve S. 1. Senator GLENN, of course, deserves more than a fair share of credit for the time and the energy he put into the bill in committee and here on the floor. Senator LEVIN, too, deserves an enormous amount of credit for the number of hours he has been here, lending us his expertise, and asking of the managers probing questions designed to get at the heart of the matter.

Finally, I offer my congratulations to the distinguished Senator from Idaho [Mr. KEMPTHORNE], who, while we are not in agreement on most of the amendments offered, demonstrated throughout a high sense of purpose and immaculate fairness to all of us. He is a man of extraordinary good sense, a man of civility, a gentleman, and I have no doubt that he will go far in this institution.

Then I extend my congratulations to Senator BOXER, Senator MURRAY, Senator BINGAMAN, and others for the job they performed in coming forward with good, meaningful amendments.

I compliment the minority. This is a big minority. This is not a fledgling or small minority. There are 47 Senators on this side of the aisle. There were only 44 Senators in the minority on the other side of the aisle in the last Congress; 44. But in this Congress, the minority has 47 Members.

I think the minority played an important and meaningful role in slowing down this legislation—saying, "Let us hold on a bit; not so fast."—in amending it, in improving it, debating it, and exposing its weaknesses. The minority has refused to be run over by the majority steamroller, and that is as it should be. As a result, this legislation which has just passed has been improved, and it is better understood.

LORNA KOOI SIMPSON

Mr. BYRD. Mr. President, somebody once asked Ralph Waldo Emerson the secret to success. And after a brief pause, Emerson replied, "Make yourself necessary to somebody."

I know that I speak for all of our colleagues in expressing to our friend and colleague, Senator ALAN SIMPSON, from Wyoming, our most sincere sympathies on the death, on January 24, of his mother, Lorna Kooi Simpson. As we all know, Mr. President, God only gives us one mother.

Plutarch tells us that Alexander the Great made his mother many magnifi-

cent presents, and Antipater once wrote a letter to Alexander, a long letter full of heavy complaints against her. And when he had read it, Alexander said, "Antipater knows not that one tear of a mother can blot out 1,000 such complaints."

A little less than two years ago, Senator SIMPSON lost his father, former United States Senator Milward L. Simpson. The loss of loved ones is always a blow to us, but to lose one's parents over such a brief span of time is doubly hard, and I want Senator SIMPSON and his family to know that we understand something of their grief in these days.

But a degree of the sense of loss at the death of Mrs. Simpson is assuaged upon contemplating the life and accomplishments of this great lady.

Throughout her life, Lorna Simpson was dedicated to "making herself necessary" to others, in the words of Ralph Waldo Emerson—to hundreds and hundreds of other people—in practically everything that she did.

An accomplished musician at both the piano and the Hammond organ, and a masterful vocalist, through her music, Lorna Simpson enriched the lives of those around her. She played the organ and directed the choir at her church in Cody, Wyoming. Indeed, early in her marriage, her sister prevailed on Mrs. Simpson to enter a contest to compose an original "pep song" for the University of Wyoming. Reluctantly, Mrs. Simpson went to work, and succeeded in winning the contest with her original "Come on, Wyoming!"

Additionally, however, Mrs. Simpson was also a talented amateur sculptor and artist, and played an active role in promoting the arts throughout her entire life.

But that was not the limit of her contributions.

In 1940, Mrs. Simpson was appointed by the Mayor of Cody, Wyoming, to the Cody Planning and Zoning Commission. With other citizens, Mrs. Simpson engaged in a long and successful campaign, complete with a bond issue that passed in 1950, that rendered Cody "one of the most beautiful cities in Wyoming."

Moreover, Mrs. Simpson and her husband were co-owners of the local radio station KODI in Cody, at which Mrs. Simpson often did both programming and on-the-air work. During World War II, Mrs. Simpson was the acting editor of the Cody Enterprise newspaper.

And in her "spare time," as a co-owner with her husband of the Cody Inn, Mrs. Simpson oversaw the restoration of this hostelry to its original grandeur.

In fact, time here does not permit a full recounting of the full record of Mrs. Simpson contributions to the career of her husband and to her family, as well as to the people of Wyoming and the United States. Suffice it to add that she served as the First Lady of Wyoming during her husband's tenure

as Governor from 1954 through 1958, and accompanied him to Washington during his service as a United States Senator from 1962 through 1966 after he won an election to complete the unexpired term of the late Senator Keith Thomson, during which the elder Senator Simpson was diagnosed with Parkinson's disease, forcing his retirement from the Senate.

On once being nominated "Wyoming Woman of the Year," Mrs. Simpson said, "The Bible does say, 'Let your light so shine before men that may see your good works, and glorify your Father which is in Heaven.'"

Certainly, Lorna Kooi Simpson carried with her throughout her life a brilliant, far-reaching light. She was a genuine "Renaissance Lady." To reflect on her life is to marvel at the capacity of some men and women to live selflessly and abundantly beyond the imaginations of most of us, and we are all diminished by the death of this great Wyoming lady, as we are diminished by the death of any great person.

I trust that Senator SIMPSON, whom we admire, and for whom we have great affection, will find a rich and undiminishing solace in the memories of Mrs. Simpson, and in the assurance of the love of God that so infused and defined her life. To be sure, Lorna Kooi Simpson was, and is, a genuine reflection of the workmanship of a Loving Heavenly Father, and she is now at rest in an Eternal Home, not made with hands, in our Father's house, near at hand to the Lord whom she so dearly served throughout her life with every talent with which He had entrusted her.

My wife, Erma, and I extend our sympathy and our condolences to ALAN SIMPSON and all of his family in this hour of trial.

Mr. President, I yield the floor.

MORATORIUM ON NEW WETLAND DELINEATIONS

Mr. GRASSLEY. Mr. President, I introduced this week, with 10 cosponsors, a bill to safeguard the property rights of our Nation's farmers. The bill will establish a moratorium on new wetland delineations, until Congress has time to enact a new farm bill and to consider the wetlands issue on agricultural land in conjunction with that bill. This corresponds with the policy set here by this body in 1985 when we passed the antiswampbusting and antiswampbusting provisions that are on the books and are generally good pieces of legislation—now being abused, though, by faceless bureaucrats, who are trying to redetermine additional wetlands. Even though the prior determinations have fit into the farming patterns of individual farmers around the United States.

As you know, Mr. President, no less than four Federal agencies claim jurisdiction over the regulation of wetlands. Just think of how impossible it is for the family farmer of America to try to understand what four different Federal

agencies want him to do in regard to wetlands on his personal property and how that confounds him in making business decisions on the operation of his farm.

Those four agencies last year entered into a memorandum of agreement concerning wetlands delineation on agricultural land. Although the memorandum of agreement was intended to streamline the regulatory process, and it was meant to clarify the role of each agency, it has, however, increased the level of confusion and the level of frustration among the farmers affected by it. It has not made their life any easier. It may have well been the intention of the faceless bureaucrat, through that agreement, to make life easier, but it has not.

The delineation of wetlands on agricultural land has been, for a long period of time, a confusing proposition. On the other hand, the consequences of the delineations are very clear. The farmer, for instance, might alter a wetland without authorization from the Federal Government, and could potentially face civil penalties, criminal action, and loss of farm program benefits. Because the stakes are so very high, I think we have a responsibility in this Congress, as representatives of the people, representing a major industry in America, because the food and fiber chain, from producer to consumer, is 20 percent of our gross national product, and considering the importance of this industry and the millions of family farmers, independent entrepreneurs that make their living this way, because of all these reasons, we must ensure that the delineation process is accurate and that it is reasonable.

As I speak, Mr. President, new wetlands delineation are being conducted in the State of Iowa pursuant to the memorandum of agreement. It is just starting in the State of Iowa, but is going to cover every other State affected by agricultural wetlands. So even though it is of immediate impact in my State, in just a few months, this process will be going on throughout the country.

This is a process whereby these people, unknown to the individual farmers, take the individual soil survey maps and aerial photos of vegetation topography. From these they attempt to find, in areas where they have not already said there are wetlands, some other little bit of evidence of wetlands, in order to get more farmers under the regulatory umbrella and get more land within each farm under that umbrella of wetlands? Because the more wetlands determinations and the more of an opportunity for the bureaucrats to have some jurisdiction over private property they would not otherwise have jurisdiction over.

This is being done not with on-site farm inspections, not with the individual farmer right alongside the soil conservation personnel—remember, historically, for 60 or 70 years, there has been a very close relationship and

friendly relationship between the soil conservation people who are educating farmers to be better caretakers of our natural resources and the farmer wanting to do that and learning from that process.

That sort of consultation has promoted more benefit to the environment than any other one process I know from the U.S. Department of Agriculture. In this current process, it has not been the usual close relationship, but it is in the back rooms, or in the laboratories around the individual States, where bureaucrats are going over these soil maps with this aerial photography to find other wetlands. And then send out a new map to the individual farmers with additional delineation of wetlands on it. At that point, you have wetlands whether you think they are wetlands or not and it is your job, as an individual farmer, then, at the appeals process to show that these really are not wetlands. And the burden of proof is on the back of the farmer.

This is kind of a way of saying, "You are guilty of having something that you did not even know you had," particularly if you have been farming this very land for a long period of time.

Well, we ought to inform the farmer of this process. The bureaucracy has not informed the farmer of the process. In fact, in my State, in Story County, IA, there was a meeting to discuss this whole process, but it was by invitation only.

Although it may be legitimate to have some further determination, it ought to involve the farmer and it ought to require that the bureaucrat making that determination at least visit the area and see with their own eyes what the situation might be. This would reinforce the close relationship we have had for six or seven decades between the soil conservation consultant, engineer, and the individual family farmer. I am talking about the family farm, not the big corporate farmer with the absentee landownership and some foreign manager taking care of the land.

This process is currently going on, so that farmers will soon be deprived of the right to farm their land or improve their property because a Federal bureaucrat decides that such activity interferes with a protected wetland.

Remember, we went through this process after we passed the antiswampbusting and antiswampbusting legislation in the 1985 farm bill. I do not, for the most part—not completely, but for the most part—I do not hear any individual farmers complain about that determination or the regulations that have followed that determination. That is because there was an open effort on the part of the bureaucracy to work with the farmers, to understand what the process is, to have input. But not now. The meetings in my State are by invitation only.